

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

NETCHOICE, LLC,

*Plaintiff,*

v.

LYNN FITCH, in her official capacity as  
Attorney General of Mississippi,

*Defendant.*

Civil Action No. 1:24-CV-00170-HSO-BWR

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**PLAINTIFF NETCHOICE’S UNOPPOSED  
MOTION TO LIFT STAY OF PROCEEDINGS**

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Plaintiff NetChoice respectfully moves to lift the stay of proceedings that this Court entered when Defendant appealed this Court’s order preliminarily enjoining enforcement of Mississippi House Bill 1126 (“Act”). *See* ECF 43-44. Counsel for Plaintiff conferred with Defendant’s counsel, and Defendant does *not* oppose the relief requested in this motion.

The Fifth Circuit vacated this Court’s preliminary injunction and remanded for this Court to “resolve” a limited “factual inquiry” regarding the *facial-challenge* analysis posed by Plaintiff’s First Amendment claims. *NetChoice, L.L.C. v. Fitch*, 2025 WL 1135279, at \*6 (5th Cir. Apr. 17, 2025).

Defendant can enforce the Act on May 9, 2025, upon issuance of the Fifth Circuit’s appellate mandate vacating this Court’s existing preliminary injunction order. And the stay on proceedings in this Court is currently set to lift when the Fifth Circuit’s mandate issues. ECF 43. NetChoice conferred with Defendant’s counsel to see if Defendant would agree to temporarily stay enforcement of this Act pending additional proceedings on remand in this Court. Defendant would not agree.

So NetChoice intends to move for leave to file an amended complaint to address aspects of the Fifth Circuit's decision. And NetChoice also intends to move for injunctive relief again, to provide this Court an opportunity to grant NetChoice relief before Defendant can enforce the Act against NetChoice members.

Accordingly, NetChoice respectfully requests that this Court lift the stay on proceedings.

Plaintiff's counsel will transmit a Proposed Order to Chambers concurrently with the filing of this Motion, pursuant to L.U. Civ. R. 7(b)(2)(F).

Dated: May 2, 2025

Respectfully submitted,

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/s/ J. William Manuel

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*Attorneys for Plaintiff NetChoice, LLC*

**Certificate of Service**

I hereby certify that on May 2, 2025, a true and correct copy of the foregoing Motion was electronically filed with the Clerk of Court using the CM/ECF system which will send notification to all counsel of record.

*/s/ J. William Manuel*

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J. William Manuel (MBN. 9891)